

Ordinance No: 16-40  
Zoning Text Amendment No: 09-01  
Concerning: Sandy Spring/Ashton Overlay  
Zone – Prohibited Uses  
Draft No. & Date: 1 - 3/5/09  
Introduced: 03/17/09  
Public Hearing: April 21, 2009  
Adopted: October 27, 2009  
Effective: October 27, 2009

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF  
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN  
MONTGOMERY COUNTY, MARYLAND**

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By: Councilmember Elrich

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**AN AMENDMENT** to the Montgomery County Zoning Ordinance to:

- amend the prohibited land uses in the Sandy Spring/Ashton Rural Village Overlay Zone

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-C-18	“Overlay Zones”
Section 59-C-18.18	“Sandy Spring/Ashton Overlay Zone”
59-C-18.182	“Regulations”

*EXPLANATION: **Boldface** indicates a heading or a defined term.  
Underlining indicates text that is added to existing laws  
by the original text amendment.  
[Single boldface brackets] indicate text that is deleted from  
existing law by the original text amendment.  
Double underlining indicates text that is added to the text  
amendment by amendment.  
[[Double boldface brackets]] indicate text that is deleted  
from the text amendment by amendment.  
\* \* \* indicates existing law unaffected by the text amendment.*

## OPINION

Zoning Text Amendment (ZTA) 09-01, sponsored by Councilmember Elrich, was introduced on March 17, 2009. ZTA 09-01 would amend the Zoning Ordinance to prohibit additional uses in the zone.

The Planning Board recommended approval of ZTA 09-01 with revisions to retain:

- 1) cable communication systems;
- 2) electrical power transmission and distribution lines;
- 3) railroad tracks;
- 4) rooftop mounted antennas and related unmanned equipment buildings, equipment cabinets, or equipment rooms; and
- 5) telephone offices and communication centers.

In the Planning Board's opinion, the ZTA would meet the original spirit and intent of the Sandy Spring/Ashton Master Plan. The Planning Board's opinion mirrors the recommendations of Planning Staff.

On April 21, 2009 the Council conducted a public hearing to receive testimony concerning the proposed text amendment. Executive Staff submitted testimony in favor of retaining the following permitted uses:

- 1) power lines and telecommunications facilities;
- 2) antique stores; and
- 3) small dry cleaning and laundry establishments.

Most public testimony generally favored the adoption of ZTA 09-01. The Sandy Spring Business Alliance agreed with the modifications recommended by the Planning Board and Executive Staff but recommended allowing the following as permitted uses:

- 1) automobile repair and services;
- 2) parking lots, automobile, for off street uses;
- 3) racquetball, squash, indoor tennis courts, commercial; and
- 4) some degree of local storage.

The landowner and contract purchaser of a proposed self-storage facility site urged the disapproval of ZTA 09-01. The contract purchaser obtained preliminary plan approval for a self-storage facility. In their opinion, the ZTA was proposed solely to prevent a self-storage facility on their site. Further, in their opinion the list of prohibited uses in ZTA 09-01 is arbitrary. They firmly believed that even if ZTA 09-01 is legal, it would be unfair for the Council to adopt it in a manner that affects their project.

The text amendment was referred to the Planning, Housing, and Economic Development (PHED) Committee for review and recommendation.

The PHED Committee held a worksession on October 8, 2009 to review the amendment. The Committee recommended approval of ZTA 09-01 with revisions to the uses recommended by the Planning Board. The Committee believed the revisions would implement the vision of the Sandy Spring/Ashton Master Plan for a rural village.

The District Council reviewed ZTA 09-01 at a worksession held on October 27, 2009 and agreed with the recommendations of the PHED Committee.

For these reasons, and because to approve this amendment will assist in the coordinated, comprehensive, adjusted, and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 09-01 will be approved as amended.

*ORDINANCE*

*The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:*

Sec. 1. DIVISION 59 - C-18 is amended as follows:

Division 59-C-18. Overlay Zones.

**Sec. 59-C-18.18. Sandy Spring/Ashton Rural Village Overlay Zone.**

**59-C-18.182. Regulations.**

(b) Commercial development. Where a lot is zoned either partially or totally in a commercial zone, the following regulations apply:

(1) Land uses. All permitted or special exception uses allowed in the underlying zones are allowed in the commercial portion of the overlay zone. The following uses are prohibited in the overlay zones:

Adult entertainment business

Automobile filling station<sup>1</sup>

Automobile fluid maintenance station

Automobile, light truck, and light trailer rentals, outdoor, except any automobile rental business[,] in existence on October 13, 1998 may continue as a conforming use, and may be altered, repaired, or replaced in accordance with provisions of the zone in effect at the time the use was established.

Automobile repair and services

Automobile, truck, and trailer rentals, outdoor

Automobile sales, indoor

Automobile sales, outdoor

Baseball driving range

28 Building materials and supplies  
29 [[Cable communications system]]  
30 Car wash  
31 Combination retail store  
32 Department stores  
33 Dry cleaning and laundry establishments, consisting of no more than  
34 3,000 square feet of gross floor area  
35 Eating and drinking establishments, drive-in  
36 [[Electrical power transmission and distribution lines]]  
37 Fairgrounds, circuses, and amusement parks  
38 Furniture stores, carpet, or related furnishing sales or service  
39 Golf driving ranges  
40 Heliports  
41 Helistops  
42 Ice storage  
43 Laboratories  
44 Multi-family dwellings, except when included in a structure  
45 containing retail or commercial uses  
46 Newspaper, printing and publishing shops  
47 Parking garages, automobile, for off-site uses  
48 Parking lots, automobile, for off-site uses  
49 Pawnshops  
50 Pipelines, above ground  
51 Radio and television broadcasting stations and towers  
52 [[Railroad tracks]]  
53 Racquet ball, squash, indoor tennis and handball courts, commercial  
54 Rifle or pistol ranges, indoor

Roller and ice skating rinks

[[Roof top mounted antennas and related unmanned equipment  
building, equipment cabinets, or equipment room]]

Stadiums or arenas

Swimming pools, commercial

[[Telecommunications facility]]

[[Telephone offices and communication centers]]

Warehousing and storage service including:

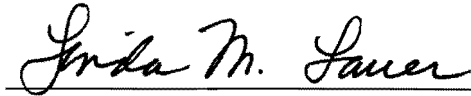
(A) Industrial and commercial uses, wholly enclosed; or

(B) Self-storage facility

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**Sec.2. Effective Date.** This ordinance takes effect immediately upon the  
date of Council adoption.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council